

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Norman H. Lawton,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cv-01037
	:	
State of Florida Department	:	JUDGE WATSON
of Revenue, et al,	:	
	:	
Defendants.	:	

ORDER

This matter is before the Court on an objection filed by the plaintiff, Norman H. Lawton, to the Magistrate Judge's Report and Recommendation. Pursuant to an initial screening under 28 U.S.C. § 1915, The Magistrate recommended that Mr. Lawton's complaint be dismissed because he (1) brought suit against defendants who are immune under the Eleventh Amendment and (2) failed to assert a claim against the Franklin County Child Support Enforcement Agency ("FCCSEA"). Mr. Lawton subsequently filed a timely objection.

After a de novo review of Mr. Lawton's objections, the Court adopts the Report and Recommendation in its entirety because Mr. Lawton failed cite any legal reason why the Magistrate erred in concluding that the defendants are immune from money damages under the Eleventh Amendment. In fact, the only statement that may be construed as a legal argument is Mr. Lawton's reference to the fact that he is a Florida resident for Eleventh Amendment purposes and, therefore, should be permitted to sue the Florida government. The Court finds that argument unpersuasive, however. See, e.g., Hans v. Louisiana, 134 U.S. 1 (1890)(it would be "anomalous" to allow a state to be sued by its own citizens in federal court if the state cannot be sued by citizens of other states); Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996)(affirming Hans). Further, Mr. Lawton failed to cite or clarify any valid claim against the FCCSEA. Accordingly, the objection is

OVERRULED, and the Court adopts the Magistrate's Report in its entirety. The case is DISMISSED WITHOUT PREJUDICE. The Clerk is ordered to send a copy of the complaint, the Report and Recommendation and this Order to the defendants.



MICHAEL H. WATSON
United States District Judge